
By: **Delegates Donoghue, Busch, Hurson, Mandel, Owings, Amedori, Anderson, Arnick, Aumann, Barkley, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Bronrott, Brown, Burns, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conroy, Conway, Costa, Cryor, C. Davis, D. Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Flanagan, Franchot, Frank, Frush, Fulton, Gaines, Glassman, Goldwater, Gordon, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Hogan, Holmes, Howard, Hubbard, Hutchins, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Krebs, Krysiak, Lee, Leopold, Love, Madaleno, Malone, Marriott, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Minnick, Mitchell, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Paige, Parker, Parrott, Patterson, Pendergrass, Petzold, Proctor, Quinter, Ramirez, Rawlings, Redmer, Rosenberg, Ross, Rudolph, Rzepkowski, Schisler, Shank, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vallario, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin**

Introduced and read first time: January 24, 2003
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 19, 2003

CHAPTER _____

1 AN ACT concerning

2 **Maryland Health Care Foundation - Maryland Medbank Program -**
3 **Extension and Funding**

4 FOR the purpose of extending the termination date of the Maryland Medbank
5 Program administered by the Maryland Health Care Foundation; authorizing
6 Maryland Medbank Program funds to be used to distribute medication to
7 enrollees under certain circumstances; requiring ~~the Governor to include in the~~
8 ~~annual budget bill a certain appropriation~~ the Department of Health and
9 Mental Hygiene to request funding for a certain purpose; providing for the
10 termination of this Act; and generally relating to the Maryland Medbank

1 Program administered by the Maryland Health Care Foundation.

2 BY repealing and reenacting, with amendments,

3 Article - Health - General

4 Section 15-124.2

5 Annotated Code of Maryland

6 (2000 Replacement Volume and 2002 Supplement)

7 BY repealing and reenacting, with amendments,

8 Chapter 134 of the Acts of the General Assembly of 2001, as amended by

9 Chapter 153 of the Acts of the General Assembly of 2002

10 Section 12

11 BY repealing and reenacting, with amendments,

12 Chapter 135 of the Acts of the General Assembly of 2001, as amended by

13 Chapter 153 of the Acts of the General Assembly of 2002

14 Section 12

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 15-124.2.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Foundation" means the Maryland Health Care Foundation
21 established under § 20-502 of this article.

22 (3) "Program" means the Maryland Medbank Program established under
23 this section.

24 (b) There is a Maryland Medbank Program.

25 (c) The purpose of the Program is to improve the health status of individuals
26 throughout the State who lack prescription drug coverage by providing access to
27 medically necessary prescription drugs through patient assistance programs
28 sponsored by pharmaceutical drug manufacturers.

29 (d) (1) Subject to paragraph (2) of this subsection, the Program shall be
30 administered by the Foundation.

31 (2) The Foundation shall contract with one or more government or
32 nonprofit entities to operate the Program.

33 (e) (1) The administration and operation of the Program shall be funded
34 through a grant provided by the Department.

1 (2) Program funds may be used in part to:

2 (I) [purchase] PURCHASE interim supplies of prescription drugs
3 for enrollees who have applied to participate in a manufacturer's patient assistance
4 program but have not yet received the approved prescription drug; AND

5 (II) DISTRIBUTE MEDICATION TO ENROLLEES WHO HAVE BEEN
6 APPROVED TO PARTICIPATE IN A MANUFACTURER'S PATIENT ASSISTANCE PROGRAM.

7 (f) (1) The Foundation shall ensure that the Program is available to
8 residents in each of the following geographic regions of the State:

9 (i) Western Maryland;

10 (ii) The Eastern Shore;

11 (iii) The Baltimore metropolitan area;

12 (iv) The Maryland counties in the Washington, D.C. metropolitan
13 area; and

14 (v) Southern Maryland, including Anne Arundel County.

15 (2) The Foundation shall use Medbank of Maryland, Inc. and the
16 Western Maryland Prescription Program as the regional offices for the Baltimore
17 metropolitan area and Western Maryland, respectively.

18 (g) Eligibility for the Program shall be limited only by the criteria established
19 by pharmaceutical manufacturers for their patient assistance programs.

20 (h) (1) The Foundation shall require detailed financial reports at least
21 quarterly from the entities that operate the Program.

22 (2) The Foundation shall release funds to the entities that operate the
23 Program as needed and justified by the quarterly reports filed in accordance with
24 paragraph (1) of this subsection.

25 (i) On or before December 1, 2001, and annually thereafter, the Foundation
26 shall report to the Governor and, in accordance with § 2-1246 of the State
27 Government Article, to the General Assembly, on the status of the Maryland Medbank
28 Program established under this section, including:

29 (1) The number and demographic characteristics of the State residents
30 served by the Program;

31 (2) The types and retail value of prescription drugs accessed through the
32 Program;

33 (3) The nature and extent of outreach performed to inform State
34 residents of the assistance available through the Program; and

1 (4) The total volume and retail value of each brand name drug, by
2 manufacturer, accessed through the Program.

3 (J) FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE
4 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF~~
5 ~~AT LEAST \$3,000,000 TO THE DEPARTMENT DEPARTMENT SHALL REQUEST FUNDING~~
6 ~~IN THE BUDGET FOR TRANSFER TO THE FOUNDATION FOR THE SOLE PURPOSE OF~~
7 ~~MAKING ONE OR MORE GRANTS TO ENTITIES TO OPERATE THE PROGRAM AS~~
8 ~~PROVIDED IN THIS SECTION.~~

9 **Chapter 134 of the Acts of 2001**

10 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this~~
11 ~~Act shall take effect July 1, 2001. On the earlier of the end of June 30, 2003, or the~~
12 ~~availability of comparable prescription drug benefits provided by Medicare under~~
13 ~~Title XVIII of the Social Security Act, as amended, with no further action required by~~
14 ~~the General Assembly, [Sections 3 and] SECTION 4 of this Act shall be abrogated and~~
15 ~~of no further force and effect. If comparable prescription drug benefits are provided by~~
16 ~~Medicare under Title XVIII of the Social Security Act, the Secretary of Health and~~
17 ~~Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,~~
18 ~~Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits~~
19 ~~are to be provided.~~

20 **Chapter 135 of the Acts of 2001**

21 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this~~
22 ~~Act shall take effect July 1, 2001. On the earlier of the end of June 30, 2003, or the~~
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28 ~~Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,~~
29 ~~Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits~~
30 ~~are to be provided.~~

31 **Chapter 134 of the Acts of 2001, as amended by Chapter 153 of the Acts of**
32 **2002**

33 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act~~
34 ~~shall take effect July 1, 2001. [On] IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 5~~
35 ~~YEARS AND, AT THE END OF June 30, [2003] 2006, with no further action required by~~
36 ~~the General Assembly, Section 3 of this Act shall be abrogated and of no further force~~
37 ~~and effect.~~

Chapter 135 of the Acts of 2001, as amended by Chapter 153 of the Acts of 2002

3 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act
4 shall take effect July 1, 2001. [On] IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 5
5 YEARS AND, AT THE END OF June 30, [2003] 2006, with no further action required by
6 the General Assembly, Section 3 of this Act shall be abrogated and of no further force
7 and effect.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect ~~July~~ June 1, 2003. It shall remain effective for a period of 3 years and 1 month
10 and, at the end of June 30, 2006, with no further action required by the General
11 Assembly, this Act shall be abrogated and of no further force and effect.